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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,315	12/23/1999	Samuel N Zellner	99483	7258

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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/471,315

**Applicant(s)**

ZELLNER ET AL.

**Examiner**

Olisa Anwah

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02/25/5.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 9,11,12 and 17-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,10,13-16 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10 and 27 are rejected under 35 U.S.C § 103(a) as being unpatentable over Miner et al, U.S. Patent No. 6,021,181 (hereinafter Miner) in view of Miner et al, U.S. Patent No. 6,047,053 (hereinafter '053 Patent).

Regarding claim 1, Miner discloses a method of screening a caller prior to establishing a telephone connection between the caller (Bill) and a callee (Wildfire), the method comprising receiving a telephone call from the caller (Bill), prompting the caller to speak the name of the callee (Wildfire), receiving the name of the callee (Wildfire) when spoken by the caller (Bill) and identifying the caller (Bill) by analyzing the voice of the caller received when the caller (Bill) speaks the name of the

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callee (Wildfire) without asking the caller to self identify (col. 11, lines 35-65 and Figure 4A).

The cited portion of Miner does not disclose the callee is a person. The cited portion teaches the callee is a machine. However the cited portion clearly shows that the system is able to route the caller's call to a person. According to step 200 from Figure 4A, the system prompt played to the caller is, "...Please say the name of the person you are trying to reach; "Bill Warner", "Jane", "Sally", "Pete" or anyone" (Examiner respectfully notes emphasis on "person"). While the cited example shows the caller responds by saying "Wildfire" (step 202), it is clear that the caller is also able to say "Jane". Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miner with a method wherein the callee is a person. This modification would have improved convenience by allowing a caller to reach a person as suggested by Miner.

With further respect to claim 1, Miner teaches using voice recognition to perform the identifying step (col. 11, line 60). Miner does not explicitly disclose the voice recognition step comprises generating a first voice sample of the caller's voice when the caller speaks the name of the callee and comparing the first voice sample to a second voice sample and routing the

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telephone call to a telephone terminal for the callee if the identified caller is authorized to be directly connected to the callee. However the '053 patent teaches these limitations (col. 6, lines 20-60 and 612 from Figure 6). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miner with the voice samples taught by the '053 patent. This modification would have modernized Miner by allowing the system to be trained as suggested by the '053 patent.

Finally, Miner also fails to teach receiving an indication from the callee of one or more callers that are authorized to be directly connected to the callee upon calling the callee, wherein the indication includes an instruction to collect voice samples of the authorized callers. Nonetheless, the '053 patent discloses this limitation (see column 7 and Figure 28). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miner with the voice samples disclosed by the '053 patent. This modification would have improved the cumulative features of Miner by allowing the system to recognize certain callers as suggested by Miner and the '053 patent.

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Regarding claim 2, see col. 34, lines 50-65 of the '053 patent.

Regarding claim 3, see col. 35, lines 10-15 of the '053 patent.

Regarding claim 4, see col. 35, lines 15-25 of the '053 patent.

Regarding claim 5, see Figure 4A of Miner.

Regarding claim 6, see Figure 4A of Miner. Also see column 7 of the '053 patent.

Regarding claim 7, see col. 7, lines 49-55 of the '053 patent.

Regarding claim 8, see Figure 4A of Miner. Also see column 7 of the '053 patent.

Claim 10 is rejected for the same reasons as claim 3.

Regarding claim 27, see Figure 4A of Miner.

3. Claims 13-16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Miner combined with the '053 Patent in view of O'Brien, U.S. Patent No. 5,479,489 (hereinafter O'Brien).

Regarding claim 13, the combination of Miner and the '053 Patent does not disclose creating a database containing a plurality of digital text files, wherein each of the plurality

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of digital text files contains identification information for a different one of a plurality of callees. However O'Brien discloses this limitation (col. 1, lines 62-65 and col. 2, lines 1-5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Miner combined with the '053 Patent with the database taught by O'Brien. This modification would have improved efficiency by storing information as text as suggested by O'Brien.

Regarding claims 14 and 15, see col. 2, lines 43-47 and lines 54-55 of O'Brien.

Regarding claim 16, see col. 3, lines 10-14 of O'Brien.

#### ***Response to Arguments***

4. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

#### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

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reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah  
Patent Examiner  
March 29, 2005

  
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